Filed 4/7/09 In re J.R. CA1/5

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

In re J.R., a Person Coming Under the Juvenile Court Law.	
SOLANO COUNTY HEALTH AND SOCIAL SERVICES DEPARTMENT, Plaintiff and Respondent, v. N.R., Defendant and Appellant.	A121721 (Solano County Super. Ct. No. J 36207)

Mother appeals from the termination of her parental rights to her son, J.R. She argues the juvenile court erred by failing to apply the beneficial parental relationship exception to termination of parental rights. We affirm.

BACKGROUND

On January 20, 2006, appellant N.R.'s (Mother's) three-year-old daughter A.R. (born October 2002) was diagnosed with gonorrhea. Mother told investigators that A.R. would stay with her during the day and with her mother (Maternal Grandmother) at night because Mother was homeless. She thought Maternal Grandmother's boyfriend or a cousin might have molested A.R. Maternal Grandmother told investigators that Mother took A.R. during the day to a house frequented by men who are registered sex offenders

and drug abusers, and she had heard that some of the men contracted gonorrhea from prostitutes. Mother's two-year-old son, J.R. (born October 2003), had been living with an aunt for the previous week because of Mother's homelessness.

Mother had several prior child welfare referrals dating from 1997 to 2005 for physical and emotional abuse of her children, general neglect, substance abuse, domestic violence, and leaving a child unattended, although most were deemed unfounded or inconclusive.[1] She admitted a long history of substance abuse and current daily use of prescription marijuana and current weekly use of methamphetamines. She had never participated in substance abuse treatment. She was unemployed and homeless, and she had misdemeanor convictions from 1999 to 2005 for theft, petty theft, battery, and fighting in public.

Jurisdiction and Disposition

On January 24, 2006, the Solano County Health and Social Services Department (Department) filed a juvenile dependency petition pursuant to Welfare and Institutions Code section 300[2] alleging that A.R. and J.R. had suffered or were at substantial risk of suffering physical harm or illness due to Mother's failure to protect and provide for them, and that Mother had failed to protect them adequately from sexual abuse.

The allegations were sustained at a March 16, 2006 contested jurisdictional hearing. A.R. was placed in foster care while Maternal Grandmother, who had offered to take her in, sought appropriate housing, and J.R. was placed with his paternal grandparents (Paternal Grandparents). J.R.'s father was incarcerated with an immigration hold and would likely be deported to Mexico.

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[1] Mother had an older son, A.R. (born in or around 1997), who had lived since birth with Maternal Grandmother, his legal guardian.

[2] All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

The disposition report stated that J.R. "appears as if he has had no structure in his life. He screams and hits himself on the head when he wants something. The child has the tendency to hit people and has no boundaries with strangers." Visits with Mother were not going well "due to the poverty of parenting skills demonstrated by the mother," who called her daughter A.R. the "little bitch" and fought with her. Mother did not really interact with J.R. during visits. In a May 2006 addendum, the Department reported that J.R. was adjusting well to his placement with Paternal Grandparents. He had become less aggressive, was no longer hitting himself, and had less frequent tantrums. He still had "a lot of difficulties every time he visits [with Mother], and is sometimes out of control. It takes about two days for the child to adjust after every visit."

According to the May addendum, Mother had deteriorated and was using methamphetamines. She had not been able to enroll in a substance abuse treatment program because she was a prescription marijuana user. She was homeless and there likely was a warrant out for her arrest because she did not appear at a recent criminal court hearing. She had also been diagnosed with bipolar disorder. At a May 23, 2006 contested disposition hearing, the court ordered the children's continued removal from Mother's custody and awarded Mother reunification services.

Status Reports and Termination of Services

In a July 2006 three-month status report, the Department wrote that visits were not going well. At a June 14 visit, "the mother was extremely out of control. [The visit supervisor reported] [t]hat she did not feel safe with the children at the visit. The mother was yelling profanity in front of the children and [Maternal Grandmother] . . . joined in the yelling and verbally supporting mother. At the time the children were crying. . . . The mother is not able to parent the children in that she is not able to adequately interact with the children. [A.R.] at almost every visit verbally argues with the mother. [¶] . . . [¶] The mother has consistently only wanted to visit if [J.R.] is present. . . . Department staff supervising the visits observe that the mother gives [J.R.] more attention and is more

harsh with [A.R.]. During visitation, the mother does not give either child praise or positive comments. In addition, the mother complains that the setting of the visits is 'boring' and 'there's nothing to do.' " Moreover, J.R. "has been having difficulties after visits as he regresses to hitting himself, being defiant as he has tantrums and it takes a day to settle down." Two babysitters had refused to continue taking care of J.R. due to his behavior after visits, which included hitting other children. "On days where visitation does not occur, [J.R.'s] behaviors are age-appropriate and easy to manage. [J.R.] is bonded with the paternal grandparents and respon[d]s to their limit setting and emotional support."

In a September 2006 six-month report, the Department wrote that Mother had been prescribed psychotropic medication and was in mental health therapy. She dropped out of an inpatient substance abuse treatment program after less than a week, but immediately enrolled in an outpatient program and was participating in that program. J.R. was doing well in Paternal Grandparents' home, but was still having difficulties after visits. The children continued to be aggressive during visits and Mother did not always intervene appropriately. Although Mother had taken a parenting class, she was not successfully implementing what she had learned. She still focused on J.R. and not on A.R. during visits. At the six-month review hearing, the court continued reunification services, consistent with the Department's recommendation.

In an April 2007 12-month report, the Department wrote that Mother was not participating in drug testing and had not completed a drug treatment program. Between November 2006 and February 2007, she had appeared in drug court, but she was terminated in February 2007 as noncompliant and not amenable to drug court treatment. She was still homeless and had attended only 12 of 30 offered visits. When visits did occur, the earlier problems persisted and worsened. Mother had not accepted responsibility for her situation: she told Department staff that she could take care of her children even if she was using drugs, that she had done nothing wrong since she did not

sexually abuse A.R., and that the reason she did not have custody of her children was because the Department had not provided any help. J.R. had adjusted well in Paternal Grandparents' home, he seemed very happy, and he called his grandparents "mama" and "papa." Paternal Grandparents had expressed a desire to adopt J.R. and started the paperwork process. The Department determined J.R. was adoptable and recommended termination of services and the setting of a section 366.26 hearing.

At a contested hearing on May 10, 2007, the court terminated reunification services for Mother. Services were continued for J.R.'s father. On November 13, 2007, J.R.'s father's reunification services were terminated. A section 366.26 hearing for J.R. was scheduled for February 26, 2008.

Section 366.26 Hearing

In a February 8, 2008 report, the Department recommended termination of parental rights and a permanent plan of adoption. The Department identified Paternal Grandparents as the prospective adoptive parents and reported that they were capable caregivers and J.R. was "very bonded" to them. Paternal Grandparents were supportive of J.R.'s relationship with his sister A.R. and with his biological parents and would permit continued contact with them. In recent visits, Mother had been appropriate with J.R.

The section 366.26 hearing commenced March 14, 2008. The court attempted to qualify J.R., then four years old, as a competent witness, but was unable to do so. As J.R. was leaving the courtroom he said, "I want my mom," referring to Mother. The court later commented that it had observed "there is a warm and affectionate relationship [between Mother and J.R.] . . . . [N]one of us know how deep that goes[,] [b]ut certainly, it appears to be warm and affectionate. Certainly not a case like others I have seen where there is virtually no relationship between the parents and child. . . . [¶] . . . [¶] I will also let you know all know that I heard the spontaneous statement of the boy when I allowed mother to say goodbye. And as . . . she said, 'I love you,' and the child spontaneously

said, 'I love you, mommy.' The emphasis on 'you.' So I want you to know that I am aware of that, so I am aware there is that positive connection between these two people."

A social worker testified that Mother attended 12 of 30 visits during the reunification period and 5 of 10 visits since services were terminated. At the visits, Mother was "very affectionate" and appropriate with J.R. "[T]hey both exhibited affection towards each other." J.R. was also affectionate with Paternal Grandparents. He referred to both Mother and his paternal grandmother as his mothers. Paternal Grandparents allowed J.R. to have telephone contact with Mother and they "indicated that they would continue contact and that it was never their intention to exclude her from his life; that he would always know who she was; and if she was appropriate, that they would allow her to have visits and contact with them."

The social worker opined that "a postadoption agreement" would be appropriate. She apparently was referring to a kinship adoption agreement between a relative adoptive parent and a birth parent entered into pursuant to Family Code sections 8616.5 and 8714.5. Kinship adoption agreements allow relatives who are prospective adoptive parents to voluntarily enter into agreements with birth parents (or other birth relatives) for visitation, future contact, or sharing of information following an adoption. (*In re Kimberly S.* (1999) 71 Cal.App.4th 405, 409-410 [discussing Family Code former § 8714.7 and § 8714.5].) The agreement is requested at the time the relatives petition for adoption and is not precluded by the termination of parental rights. (*Id.* at p. 412.) Indeed, termination of parental rights is a prerequisite for such an agreement. (*Ibid.*)

County counsel moved for a continuance "to refer it for a postadoption," apparently meaning a discussion with Paternal Grandparents to determine if they would agree to request a kinship adoption agreement when they applied to adopt J.R. The court responded, "I think that is a very wise decision. [¶] And certainly, before making a decision on this case, I would want to know that they were willing to put it in writing, especially in the situation where relationships between sides of families is difficult, shall

we say. [¶] . . . [¶] . . . I would appreciate also letting the paternal grandparents know what a guardianship is . . . so that they also have full and open knowledge before they decide what it is they want to do." The court granted the continuance.

The court next addressed Mother's "request for what has been called 'a bonding study.' " The court asked Mother's counsel, "given that [the social worker] witness has already corroborated what I, myself, and everyone else in this room has observed this afternoon, that there is a warm and affectionate relationship," whether she still thought a bonding study was necessary. Mother's counsel responded, "You know, I initially considered and didn't think it was necessary, which is why I didn't ask for one. But I may–" Deputy county counsel volunteered that she would not object to an ex parte request by Mother for a bonding study. Mother's counsel said, "My client is indicating that she is satisfied with the Court's observation of what it has expressed has been observed in the courtroom. And she is anxious for the case to resolve, one way or the other." After inquiring about the time frame for the continued section 366.26 hearing, Mother's counsel asked if she could reserve the right to request a bonding study ex parte and the court agreed. Mother never requested the study.

The hearing was continued to April 24, 2008. In an April 18 addendum report, the Department wrote that it had met with Paternal Grandmother to discuss the possibility of legal guardianship in lieu of adoption. The paternal grandmother said she preferred adoption because "taking legal guardianship of [J.R.] felt to her like she was merely his caretaker. To her, adoption felt more permanent and respectful of her role in the minor's life." They said they would allow J.R. to continue to visit his maternal family members.

On March 31, 2008, Maternal Grandmother informed the Department that Mother was in jail. "The grandmother reported that she had contacted the Vallejo Police Department to respond to her home as the mother was in the home and had threatened the life of one of the maternal grandmother's friend's [*sic*] that was visiting the house." About one year previously, in April 2007, the court had issued a restraining order against

Mother barring her from Maternal Grandmother or her residence, based on evidence that Mother repeatedly went to the residence without permission, physically assaulted Maternal Grandmother on one occasion, and attempted to remove A.R. from the residence on another occasion, engaging in a tug of war over the child with Maternal Grandmother. The restraining order remained in effect until at least August 2007.

On April 14, 2008, the paternal grandmother told the Department "they were not open to maintaining contact with the maternal family as they felt that they were too problematic. The paternal grandmother stated that she would only allow the minor's siblings to call the minor periodically on the telephone."

At the April 24, 2008 continued section 366.26 hearing, a social worker confirmed that Paternal Grandparents were not willing to agree to a postadoption agreement or legal guardianship in lieu of adoption. The social worker opined that the benefits to J.R. of stability through adoption outweighed the value to him of maintaining a relationship with Mother. Based on her observations, she believed J.R. was fully integrated into Paternal Grandparents' home. Although J.R. was "bonded" with Mother and they had a warm, loving, affectionate, and trusting relationship, she had not been a consistent part of his life and could not provide him with stability. The social worker opined that Mother had continuing substance abuse issues, based on her failure to complete treatment, her appearance (thin frame, facial sores, lack of dental care), and observations reported by the visitation supervisor and Maternal Grandmother.

The Department and minor's counsel also both urged the court to terminate parental rights and choose adoption as the permanent plan. They stood by this recommendation even when asked to assume that J.R. would never again see his maternal relatives during his minority. Both argued that Paternal Grandparents reasonably believed they were acting in J.R.'s best interests by reserving the right to deny contact with the maternal family.

The court commented that Paternal Grandparents had shown "a hardening of [ ] attitude" on the issue of whether to allow contact between J.R. and Mother. It predicted that their opposition to such contact would not change "[a]nd if it does change, it will be a long time in the future. In other words, . . . I'm very, very aware that if I terminate parental rights today, and this child is adopted by these paternal grandparents, it does spell the end [for] the foreseeable future of a relationship with the maternal side of the family. [¶] . . . [¶] . . . And it does concern me." The court added, "[T]here is nothing that I am aware of that shows me what they may be protecting him from. . . . [F]rom what I observed, myself, when [Paternal Grandparents] were present[] . . . it gave me the appearance of being totally self-absorbed and that they want to protect themselves from a difficult relationship." The court said the Department's addendum report "paints a picture of the paternal grandparents that is not entirely positive. . . . [¶] You know, instead of just letting me do my job and make my decision, they are telling me, if I don't terminate parental rights and free this child up for adoption by them, they will walk away. . . . [¶] . . . [¶] . . . What is their commitment to this child?"

Nevertheless, the court concluded it was required by statute to terminate parental rights and adopt a permanent plan of adoption. Having found by clear and convincing evidence that J.R. was adoptable, the court stated its duty was to terminate parental rights unless one of the enumerated statutory exceptions applied. (See § 366.26, subds. (c)(1), (c)(1)(B).) "I have no doubt in my mind that the paternal grandparents, if they adopt, and if they sever any relationship with the maternal side of the family, will be doing this child a disservice. This child's life can only be enriched by the larger net, shall I say, underneath [him] of loving adults. [¶] . . . But I cannot find that burden has been met that has established the relationship of this child with his maternal family . . . to be of sufficient strength . . . to bring him within the exception." The court added, "The child has now spent half of his life with a family. That is a family to him now. [¶] . . . [¶] . . .

[I] hope that people will counsel the paternal grandparents and assist them in overcoming the attitude that they have expressed in this report."

DISCUSSION

The only issue Mother raises on appeal is whether the juvenile court erred by refusing to apply the beneficial parental relationship exception to termination of parental rights. (§ 366.26, subd. (c)(1)(B)(i).)

After the termination of reunification services, "[f]amily preservation ceases to be of overriding concern . . . . [T]he focus shifts from the parent's interest in reunification to the child's interest in permanency and stability." (*In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1340 [following *In re Marilyn H.* (1993) 5 Cal.4th 295, 309].)[3] At the section 366.26 hearing, the juvenile court must first determine by clear and convincing evidence whether it is likely the dependent minor will be adopted. (§ 366.26, subd. (c)(1).) If the court finds a likelihood of adoption, it must terminate parental rights and order the child placed for adoption unless, as applicable here, it finds a "compelling reason" that termination would be detrimental under one of the exceptions listed in section 366.26, subdivision (c)(1)(B). (§§ 366.26, subds. (c)(1), (c)(1)(B).) The juvenile court's ruling about whether an exception applies is reviewed for abuse of discretion. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1351.)[4]

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[3] The "least detrimental alternative" standard cited by Mother arose under the prior statutory scheme and is not applicable at the section 366.26 stage of proceedings under the current scheme. (See *In re Carmaleta B.* (1978) 21 Cal.3d 482, 486, 488-489, & fn. 6 [applying Civ. Code, former § 232]; *In re Cody W.* (1994) 31 Cal.App.4th 221, 228 [explaining standard arose under former statutory scheme in the context of deciding whether to offer services]; *id.* at p. 230 ["[t]he 'least detrimental alternative' concept appears to have been subsumed in Welfare and Institutions Code section 361.5"].)

[4] Although there is a split in authority on whether the standard of review is for abuse of discretion or for substantial evidence (compare *In re Zachary G* (1999) 77 Cal.App.4th 799, 809 with *In re Jasmine D., supra,* 78 Cal.App.4th at p. 1351). "The practical differences between the two standards of review are not significant." (*In re Jasmine D.* at p. 1351.)

Under the beneficial parental relationship exception, the court must find a "compelling reason" that termination would be detrimental because "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." (§ 366.26, subd. (c)(1)(B)(i).) "The existence of interaction between the natural parent and child will always confer some incidental benefit to the child." (*In re Lorenzo C., supra,* 54 Cal.App.4th at p. 1342 [discussing former § 366.26, subd. (c)(1)(A), predecessor of § 366.26, subd. (c)(1)(B)(i)].) The beneficial parental relationship exception requires more, "that the parent-child relationship promote the well-being of the child to such a degree that it outweighs the well-being the child would gain in a permanent home with new, adoptive parents." (*Ibid.*)

I. *Bonding Study*

As a preliminary matter, Mother argues that the trial court erred by not ordering a bonding study to evaluate the strength of the bond between her and J.R. However, she never requested a bonding study, even though the court expressly inquired of Mother's counsel whether she wanted to request one, the Department said it would not oppose such a request, and the court gave Mother an opportunity to make the request ex parte following the initial section 366.26 hearing. Therefore, her argument that a bonding study should have been conducted is forfeited. (*In re Lorenzo C., supra,* 54 Cal.App.4th at p. 1338-1339.)

Mother suggests that the court should have ordered a bonding study sua sponte. However, the party arguing that the beneficial parental relationship exception applies bears the burden of producing evidence that establishes the exception. (*In re Lorenzo C., supra,* 54 Cal.App.4th at p. 1343.) The agency has no duty to produce evidence relevant to the exception beyond what the statutes specifically require be included in the agency's report. (*Id.* at pp. 1343-1344.) The court also has no sua sponte duty to order production of such evidence. (*Id.* at p. 1341; *In re Richard C.* (1998) 68 Cal.App.4th 1191, 1195-1197.)

Finally, Mother argues she received ineffective assistance of counsel because her attorney failed to request the study. However, she points to no evidence that counsel's decision not to request the study was deficient performance or contrary to Mother's desires at the time. (See *Strickland v. Washington* (1984) 466 U.S. 668, 687-688 [in criminal context, ineffective assistance claim requires showing that counsel's performance fell below objective standard of reasonableness].) On the contrary, the record indicates that Mother informed counsel during the first hearing that she wished to forgo the study and bring the dependency case to a more prompt resolution.

The cases cited by Mother are all distinguishable. Under the law in effect at the time *In re David D.* was decided, appellate review of an order terminating parental rights encompassed not only the decision to terminate parental rights but also the earlier decision to terminate reunification services. (*In re David D.* (1994) 28 Cal.App.4th 941, 953 [citing *In re Matthew C.* (1993) 6 Cal.4th 386, 401]; see *Maribel M. v. Superior Court* (1998) 61 Cal.App.4th 1469, 1471 [*In re Matthew C.* superseded by § 366.26, subd. (l), enacted by Stats. 1994, ch. 1007, § 2].) The court discussed bonding study evidence in the context of explaining why the juvenile court erred in terminating *services*. (*In re David D.*, at pp. 943, 946-947, 955.) At that stage of the proceedings, the overriding concern is still family preservation. (*In re Lorenzo C., supra*, 54 Cal.App.4th at p. 1340.) At a section 366.26 hearing, on the other hand, a "motion for a bonding study [usually] c[o]me[s] too late in the proceedings to be a necessary part of the court's efforts to develop a permanent plan for the children." (*In re Richard C., supra*, 68 Cal.App.4th at pp. 1194, 1195-1197.)

The other cases cited by Mother similarly arose in distinguishable procedural contexts. (See *In re Rachael C.* (1991) 235 Cal.App.3d 1445, 1453 [bonding study considered in context of deciding whether to award de facto parent status] disapproved on other grounds by *In re Kieshia E.* (1993) 6 Cal.4th 68, 80; *In re Alexandria Y.* (1996) 45 Cal.App.4th 1483, 1486-1487 [bonding study considered in context of deciding whether

to enforce Indian family placement preferences]; *In re Tabatha G.* (1996) 45 Cal.App.4th 1159, 1165-1168 [discussing whether bonding study conducted without notice to court, agency, or minor's counsel was discoverable by the agency].)

II. *Abuse of Discretion Review*

We see no abuse of discretion in the court's decision that the beneficial parental relationship exception did not apply. Mother correctly notes that the court found there was a warm relationship between Mother and J.R. and the court repeatedly opined that it would be in J.R.'s best interest to maintain contact with her and with other members of the maternal family. The court continued the hearing in part to provide time for discussions with Paternal Grandparents about the options of guardianship or a postadoption visitation agreement, and at the continued hearing the court expressed disapproval of Paternal Grandparents' decision to reject those options. However, none of these facts conflicts with the court's ultimate decision that the beneficial parental relationship exception did not apply.

First, evidence was presented that Mother had not maintained regular visitation and contact with J.R. (See § 366.26, subd. (c)(1)(B)(i).) The social worker testified that Mother had attended only 12 of 30 visits during the reunification period, and 5 of 10 after termination of services. Although the court did not expressly comment on this element of the beneficial parental relationship exception, this evidence supports the court's ultimate ruling.

Second, the court acted well within its discretion in concluding it was not a parental relationship that should be preserved at the expense of depriving J.R. of the permanency of adoption, despite its observation that Mother's relationship with J.R. was warm and affectionate ("demonstrate[d] a bond" in the words of the social worker). J.R. spent only the first two of his four years with Mother, during a period when she was homeless, using drugs, repeatedly investigated for neglect, and neglected the children to the point that J.R.'s three-year-old sister contracted a sexually transmitted disease. From

the beginning of the dependency case until termination of services, Mother failed to demonstrate parental control or authority with the children during visits. J.R. exhibited serious behavioral problems following visits, yet nothing in the record demonstrates that he experienced distress when visits were delayed or cancelled. Although Mother was acting appropriately during visits with J.R. by the time of the court's order terminating parental rights, she had not alleviated the problems that had led to her chaotic parenting relationship with J.R., and the court could reasonably infer that the problems would recur. In contrast, J.R. had spent the second two of his four years with Paternal Grandparents and he called paternal grandmother (as well as Mother) his mother. Paternal Grandparents demonstrated parental authority, consistency, and affection toward J.R.

On these facts, the court reasonably concluded Mother's relationship with J.R. was that of a friendly relative rather than a parent and did not outweigh the benefits of permanence and stability to this still very young child. Notably, when the court discussed the benefit to J.R. of a postadoption agreement at the final hearing, it referred to the entire maternal family, not just Mother. The court's concern appeared to be that J.R. would lose the benefit of the extended family network (friendly relative relationships), not necessarily that he would lose a parental relationship. The statute authorized the court to refuse to terminate parental rights only if necessary to preserve a *parental* relationship. (§ 366.26, subd. (c)(1)(B)(i).)

The cases cited by Mother do not support her argument on appeal. In *In re S.B.*, the father complied with every aspect of his case plan and was unable to reunify with his daughter only because of persistent psychological and physical problems. (*In re S.B.* (2008) 164 Cal.App.4th 289, 293-294.) He consistently visited his daughter three times a week and had a positive relationship with her. (*Id.* at pp. 294, 295.) Early in the dependency case, the minor would become upset when visits ended and wanted to leave with her father. (*Id.* at p. 294.) Although the minor's primary attachment shifted to the grandmother who cared for her during the dependency proceedings, the court of appeal

held that this fact alone did not disqualify the father from the parental relationship exception. (*Id.* at pp. 299-300.) In this case, however, Mother has not established consistent visitation, compliance with her case plan (which would make her a consistent and stable parent figure in J.R.'s life even if she was not able to reunify with J.R.), or a parental bond with J.R. that was manifested in their interactions during visits throughout the dependency.

Mother also argues her case is analogous to *In re Brandon C.* (1999) 71 Cal.App.4th 1530. In that case, however, the court of appeal held the juvenile court did not abuse its discretion in applying the exception; it does not support an argument that the juvenile court would have abused its discretion if it had refused to apply the exception. (*Id.* at p. 1533.) In any event, the facts are distinguishable: the mother in *In re Brandon C.* consistently visited the minors over a three year period and helped provide daily care for the minors (including feeding, changing diapers, cleaning, playing) during her visits. (*Id.* at p. 1535.) One of the children "tended to cry for long periods and would resist going to bed after visitations with mother." (*Ibid.*) Because the child reacted in this manner following visits characterized by positive interactions, it could be inferred the distress reflected a strong bond. In this case, in contrast, J.R.'s behavior became erratic following visits characterized by conflict and lack of control and his distress appeared to be generated by the nature of the visits and his relationship with Mother rather than by his mere separation from Mother.

DISPOSITION

The order terminating appellant's parental rights to J.R. is affirmed.

STEVENS, J.*

We concur.

SIMONS, ACTING P.J.

NEEDHAM, J.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.